

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Allstate Insurance Company,)	
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF'S
)	MOTION FOR DEFAULT
vs.)	JUDGMENT AGAINST DEFENDANT
)	MARK STREEPER
)	
Paul and Sheri Berge, o/b/o Ashly Berge,)	
deceased, and Claude and Marlene Streeper,)	Case No. 1:06-cv-060
and Mark Streeper,)	
)	
Defendants.)	

On May 11, 2007, Allstate Insurance Company filed a Motion for Default Judgment against Mark Streeper. See Docket No. 16. On May 23, 2007, Defendants Paul Berge and Sheri Berge (the Berges) filed a response and objection to the entry of judgment by default. See Docket No. 29. The Berges assert that they, along with defendants Claude Streeper and Marlene Streeper, have filed an answer to the complaint and that the Plaintiff is not entitled to default judgment that would eliminate or limit their potential recovery.

It has been shown that the defendant, Mark Streeper, was personally served with a copy of the summons and complaint on September 1, 2006. Such service appears to be in compliance with Rule 4(d) of the Federal Rules of Civil Procedure. See Affidavit of Default, ¶ 2. The defendant executed a waiver of service of the summons and complaint and had sixty (60) days from the date of service to file an answer. See Fed. R. Civ. P. 12(a)(1)(B). By the Court's calculation, an answer was to be filed on or before October 30, 2006. To date, no answer has been filed nor any appearance made on behalf of defendant Mark Streeper. On May 29, 2007, the Clerk of Court entered default against the defendant, Mark Streeper. See Docket No. 31.

The Plaintiff's Motion for Default Judgment is **GRANTED** as to defendant Mark Streeper. (Docket No. 16). The Clerk of Court is directed to enter default judgment solely against defendant Mark Streeper.

IT IS SO ORDERED.

Dated this 30th day of May, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court